

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35503 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- AKBARPUR District- Nawada

Sanoj Singh @ Sanoj Kumar @ Sanoj Kumar Singh S/O Rajo Singh @
Rajkumar Singh R/O Village- Baskhanda, P.S.- Akbarpur, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma,Adv.

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Akbarpur P.S. Case No. 86 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, in a drive against illicit liquor police got secret information about petitioner bringing illicit liquor. A raid was conducted and a person was found carrying a plastic bag who fled away on seeing the police party leaving behind the plastic bag. The local *chowkidar* identified the petitioner as the person who fled away from the spot and from the plastic bag recovery of 35 litre of country made liquor was made.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of the petitioner as it is apparent from the F.I.R. that recovery has been made from some secluded place which is a public place. The petitioner is not even the resident of the same village from where recovery has been made. The petitioner has been named in this case at the instance of other persons who are at inimical terms with the petitioner and the petitioner has been made accused taking advantage of earlier antecedents of the petitioner as he is accused in two cases of similar nature. However, from the facts of the case it is evident that it is completely false and concocted story and no ingredients of offence under section 30(a) of the Excise Act is present in the case. The petitioner is on bail in both the cases in which he has been made accused.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact the no recovery has been shown from the petitioner and further considering possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten

Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 01, Nawada in connection with Akbarpur P.S. Case No. 86 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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